

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOSE ANTONIO ROMERO PAUCAR,

Plaintiff,

REPORT AND  
RECOMMENDATION

-against-

19 CV 5942 (WFK)(RML)

ANTONI MASONRY CORP. and JOSE  
MARIO YUNGA,

Defendants.

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LEVY, United States Magistrate Judge:

Plaintiff Jose Antonio Romero Paucar (“plaintiff”) commenced this action on October 22, 2019 under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. and the New York Labor Law. (See Complaint, dated Oct. 16, 2019, Dkt. No. 1.) On February 25, 2020, I issued an order directing plaintiff’s counsel to provide a report on the status of this litigation by March 5, 2020. My order stated:

As part of this report, plaintiff shall advise the court whether it has served a copy of the summons and complaint on the defendants within 90 days of the filing of the complaint, as required by Rule 4(m) of the Federal Rules of Civil Procedure, and, if not, whether there is good cause for its failure to do so. Plaintiff’s counsel is advised that FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN A RECOMMENDATION TO JUDGE KUNTZ THAT THIS CASE BE DISMISSED FOR FAILURE TO PROSECUTE.

To date, plaintiff’s counsel has not filed a status report or otherwise responded to my order.

Accordingly, I am constrained to recommend that this case be dismissed for lack of prosecution.

Any objection to this Report and Recommendation must be filed with the Clerk of the Court, with courtesy copies to Judge Kuntz and to my chambers within fourteen (14) days.

Failure to file objections in a timely manner may waive a right to appeal the District Court's order. See 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 6(a), 6(d), 72.

Respectfully submitted,

/s/  
ROBERT M. LEVY  
United States Magistrate Judge

Dated: Brooklyn, New York  
March 30, 2020